

Docket No. 100200768-1

Remarks

This Amendment is responsive to the Office Action of November 2, 2005.
Reexamination and reconsideration of **claims 1-44** is respectfully requested.

Summary of The Office Action

The abstract of the disclosure is objected to because the term "comprises" should be changed to --includes--. The abstract has been so amended.

Claims 1-18 and 20-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Burke et al. (US 6,102,528).

Claims 19 and 34-36 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Objections to the Abstract

The abstract has been amended as suggested by the Examiner. The objections to the abstract should now be overcome.

The Present Amendment

Claims 37-44 are canceled by the present amendment as they are non-elected claims.

Allowable Claim 19 has been canceled since its features are now incorporated into independent claim 7.

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The Present Claims Patentably Distinguish Over the References of Record

Independent Claim 1

The amendment to claim 1 is supported by, for example, paragraphs [0019] or [0027] of the present specification, as well as claims 10 and 11. Thus, no new matter has been added.

With regard to other claims that recite a power bus, the Office Action cites Figure 1 of Burke and indicates that leads 18 teach a power bus (e.g. Office Action, page 7, second paragraph). Applicant respectfully submits the Burke teaches "interconnecting leads 18" that interconnect the address circuitry 16 to the gate regions 28 of the transistors 14 (see Figure 1, and column 3, line 26, and lines 55-56). The power comes from voltage source 22, which is connected to each heater 12 (Figure 1, and column 3, lines 40-41). Therefore, the interconnecting leads 18 do not supply power and thus do not teach or suggest the recited power bus. Claim 1 patentably distinguishes over Burke for at least this reason.

Furthermore, claim 1 recites that the power bus being a protective layer covering the contacts of the first drive transistor. There is no teaching or suggestion of this feature in Burke or from the references of record. It then follows that there is no teaching or suggestion of this feature in combination with the spacing limitations of the heaters and transistors as recited in claim 1.

Since claim 1 recites features not taught or suggested by the references, claim 1 patentably distinguishes over the reference. Accordingly, dependent claims 2-6 also patentably distinguish over the reference and are in condition for allowance.

Independent Claim 7

Independent claim 7 has been amended to recite the allowable subject matter from claim 19 (indicated to be allowable) and its intervening claims. Claim 19 is now canceled. The Burke patent and the other references of record fail to teach or suggest the claimed fluid ejection device. Thus, claim 7 patentably distinguishes over the references of record and is now in

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condition for allowance. Accordingly, dependent claims 8-18 also patentably distinguish over the references of record and are in condition for allowance.

Independent Claim 20

Applicant respectfully submits that Burke fails to teach or suggest the claimed configuration of heaters and drive transistors as recited in claim 20. In Figure 1, Burke teaches that each heater 12 is connected to two transistors 14. The two connected transistors 14 would be deemed as associated transistors. The distances between any one heater 14 to either of its connected transistors 14 appears equal to the distances between an adjacent heater 14 to its connected transistors 14. There is no discussion in Burke that the distances are different in any way. The distances appear equal from Figure 1 and nothing in Burke suggests otherwise.

In particular, Burke is not directed toward the type of component configurations as recited in claim 20. For example, Burke discusses dimensions of the transistor pitch "P" and the width "W" of the transistors 14. Burke states that, "The transistor pitch P is approximately the center-to-center spacing of the heating elements..." (column 6, lines 61-62). The invention and purpose of Burke appears to be directed to reducing the width "W" of the transistors 14 (see Summary of the Invention at column 2, lines 25-30, and column 4, lines 31-36 "...thus shorten the dimension W.")

Therefore, Burke fails to teach or suggest a first firing heater element separated by a first distance from an associated first drive transistor, and a second firing heater element separated by a second distance from an associated second drive transistor, where the distances are different. Thus, claim 20 patentably distinguishes over Burke and the rejection should be withdrawn. Applicant believes claim 20 and its dependent claims 21-36 are now in condition for allowance.

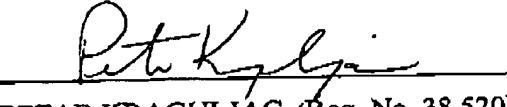
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Conclusion

For the reasons set forth above, **claims 1-18 and 20-36** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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